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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourth session

SUMMARY RECORD OF THE 80th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 22 September 1993, at 3 p.m.

Chairperson: Mrs. BADRAN

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GE.93-18550 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION (agenda item 8) (continued)

Report of Indonesia (continued) (CRC/C/3/Add.10)

1. The CHAIRPERSON invited the delegation of Indonesia to reply to the questions asked at the previous meeting.

2. Mr. YAHYA (Indonesia), replying to a question by Mr. Hammarberg concerning the Beijing Consensus, said that for Indonesia it had been the prime mover for the introduction of children's concerns - provision for survival, development and protection - into the 1993 General Guidelines for State Policies. National legislation would be developed in such a way as to enhance provision for the rights of the child, and financial, human and material resources for the same purpose would be made available through sectoral projects and programmes. With regard to the allocation of resources, no distinction was made between citizens, although some sectors of the population still lagged behind. Under the new development programme an effort was being made to address the problem of poverty and create a more equitable society. Twenty years previously, Indonesia had introduced the concept of a "trilogy of development", consisting of national stability, substantial economic growth and equity for all, including children.

3. Replying to a question by Mr. Mombeshora, he said that 38 per cent of expenditure under the national budget was allocated to the social sector. No corresponding figures were available for local and regional budgets or for private agencies and the community itself.

4. With regard to the scoring system used to assess compliance with the Convention on the Rights of the Child, several approaches were used with a view to establishing a composite indicator. Statistical forms of measurement were used to monitor progress in, for example, the lowering of the infant mortality rate or the illiteracy ratio. Other criteria were used to assess the quantity of basic services being provided and the input of resources.

5. Replying to a question by Mrs. Eufemio, he said that targeting was closely related to resource allocation. With regard to child survival, a target of lowering the infant mortality ratio by half by the year 2000 had been set. Under the heading of development, the goal of universal education was being pursued through the introduction of a programme of compulsory nine-year primary education for all. Other targets had been set for other forms of sectoral development and appropriate resources had been made available. The political will therefore existed and the only constraint was the availability of resources.

6. Mr. MAKMUR (Indonesia), replying to questions by Mr. Kolosov, said that, in conceptual terms, Indonesia recognized human rights as being universal and independent. In practical terms, it considered that they should be pursued in a balanced and comprehensive way. There was, however, a subjective element in the perception of States or Governments of their responsibility with respect

to the enforcement of human rights. Indonesia rejected the phenomenon of conditionality, the tendency of some countries to establish a linkage between development assistance and human rights.

7. With regard to reservations in general, he welcomed the consensus arrived at at the World Conference on Human Rights concerning an invitation to the United Nations Secretary-General to initiate an open dialogue with the States concerned to facilitate achievement of universal adherence to international instruments.

8. Mr. YAHYA (Indonesia), replying to questions by Mrs. Santos País and Miss Mason concerning his country's reservations on certain articles of the Convention, said that the spirit of the Indonesian Constitution was in harmony with that of the Convention and that the Convention itself was legally binding. Although Indonesia, as a sovereign State, made its implementation of any convention to which it acceded subject to national legislation, it was seeking to reform its legislation in such a way as to facilitate implementation of the Convention on the Rights of the Child. One such reform aimed at establishing a single definition of the child.

9. Replying to further questions by Mrs. Santos País concerning, firstly, popular participation, he said that the United Nations Children's Fund (UNICEF) had recognized Indonesia's achievements in that area in the form of an award to the PKK, a women's organization for family welfare. The high coverage of Indonesia's immunization programme was due to popular participation, and so was, to a large extent, the success of the first long-term development programme. Under the second programme, non-governmental organizations (NGOs) were being encouraged to participate in the effort to enforce the rights of the child and the Government was endeavouring to make every family and the community as a whole aware of those rights.

10. With regard to language barriers, although many dialects existed, Bahasa Indonesia had been proclaimed the national language in 1928 and was used as a lingua franca throughout the country.

11. With regard to communications and transport, modern facilities were being developed and improved in both areas. Indonesia's communications satellite covered the entire archipelago, reaching the most remote areas, and 230 airports had been built.

12. The CHAIRPERSON drew attention to the sections of the list of issues entitled "Definition of the child", "General principles" and "Civil rights and freedoms" issued in document CRC/C.4/WP.2 which read:

"Definition of the child

(Art. 1 of the Convention)

1. Please elaborate on the differences of definition of the "child" between national legislation and the Convention.

2. Please provide information on the minimum legal age for criminal responsibility, legal and medical counselling without parental consent, sexual consent, imprisonment.

3. How does the minimum age for admission to employment compare with the age of completion of compulsory schooling (para. 86 of the report)?

4. Please indicate whether in these various respects boys are treated differently from girls and, if so, for what reason?

General principles

Non-discrimination (article 2)

1. Please indicate specific and concrete measures taken to combat discrimination against girls, rural children, disabled children and children belonging to minorities or indigenous communities. What measures are taken to eliminate and prevent discriminatory attitudes and prejudices?

2. What efforts are being made to collect disaggregated data for groups of children on aspects relating to the Convention?

Best interests of the child (article 3)

3. Please indicate in what way the "best interests of the child" are taken into consideration in the legislation as well as in judicial, administrative or other proceedings.

The right to life, survival and development (article 6)

4. Please indicate the steps taken to create an environment conducive to ensuring "to the maximum extent possible" the survival and development of the child.

Respect for the views of the child (article 12)

5. What concrete measures have been taken to sensitize public opinion and educate personnel working with children about the need to encourage children's participatory rights?

6. Please indicate the way in which the principle of respect for the views of the child is reflected in matters affecting the child particularly in judicial and administrative proceedings.

Civil rights and freedoms

(arts. 7, 8, 13-17 and 37(a) of the Convention)

1. Please indicate measures taken to ensure that all children are registered after birth, including sanctions in case of non- or late registration.

2. What steps are being taken to encourage the publication, dissemination and availability to all children of children's literature?

3. What is the status of children from families with another religious faith than those officially recognized?

4. What concrete steps have been taken to investigate cases of ill-treatment of children and prevent its occurrence?

5. Is corporal punishment allowed in schools or other institutions for children? What specific legal provisions exist to protect children from being ill-treated? Are there complaint procedures which can be used by children themselves against such abuses?"

13. Mr. YAHYA (Indonesia), replying to question 1 in the section on "General principles", said that although no formal distinction was made between boys and girls, in practice there were still differences in the enrolment ratio from secondary education upwards. The introduction of compulsory nine-year basic education in 1994 would help to eliminate that disparity. The disadvantages suffered by rural children owing to geographical remoteness and lack of access to facilities were being addressed through the local authorities in the provinces concerned. In general, there was no formal discrimination in Indonesia and no measures were therefore being taken to eliminate discrimination.

14. With regard to data collection (question 2), special standards and targets had been introduced in the General Guidelines for State Policies and it was hoped to make considerable progress in that area under the new 25-year development programme.

15. The best interests of the child (question 3) were served in the case of judicial and administrative proceedings by defining children as persons under 16 years of age.

16. Provision was made in all development programmes to improve the physical and non-physical environment in such a way as to ensure the survival and development of the child (question 4).

17. With a view to encouraging respect for the views of the child (questions 5 and 6), public awareness was being generated through seminars and educational programmes. The Supreme Court had urged lawyers and magistrates to disseminate the Convention and it was hoped to assign an important place to the rights of the child in preparatory activities for the World Summit on Social Development to be held in Denmark in 1995.

18. Replying to question 1 in the section on "Civil rights and freedoms", he said that although registration was compulsory for all children, there were still some cases of non-registration in rural areas. No sanctions were applied in such cases. In an urban context practical sanctions existed inasmuch as access to many services depended on registration.

19. Indonesia admittedly lagged behind in the area of children's literature (question 2). National publishers were therefore being encouraged to promote that branch, especially in the context of National Children's Day.

20. In reply to question 3, he said that under the Pancasila philosophy all beliefs and religions were recognized and that a principle to that effect was enshrined in the Constitution (art. 29).

21. Corporal punishment (question 5) was not allowed in Indonesian schools or other institutions.

22. The CHAIRPERSON invited the Committee to put questions on the definition of the child in article 1 of the Convention.

23. Mr. KOLOSOV asked whether any positive results had been achieved or any particular difficulties encountered in the review of Indonesia's national legislation which had been started in 1990 in order to establish consistency with the Convention.

24. Mgr. BAMBAREN GASTELUMENDI indicated dissatisfaction with the replies given to questions 2 and 3 on the minimum legal age for criminal responsibility and admission to employment. He specifically wished to know the age at which a child could legally work and whether there was any difference in the minimum working ages of boys and girls.

25. Ms. SANTOS PAIS emphasized the importance attached by the Committee to information on the legal age at which various activities and responsibilities could be undertaken in Indonesia, in view of the different ages specified in the Convention. In defining the child as a human being below 18 years of age, the Convention recognized the special vulnerability of persons in that age group and their need for special protection, and in attempting to ensure that protection, the Convention also recognized that children had rights, that they were capable of having views to express and that they were entitled to have these views taken into account. The Committee therefore needed detailed information under all headings, instead of statements to the effect that certain reforms had taken place.

26. The reply that girls were treated no differently from boys in matters of age had not been convincing. Given the difference in the legal marriageable ages of boys and girls it followed that after marriage the system of special protection would be different, a particularly important consideration bearing in mind the tendency in Indonesia to leave school early, girls often leaving at a younger age than boys. She therefore wished to know the reason for the difference in legal treatment, given the difference in social attitude which that encouraged.

27. Mr. YAHYA (Indonesia), replying to questions raised, said that the authorities were making progress in formulating a definition of the child for the basic guidelines of State policy, and efforts were also being made to incorporate those definitions in the legislation. In article 4 of the Child Welfare Law (1979) a child was defined as a person below 21 years of age, although earlier legislation, such as the 1974 Marriage Law, defined a child as a person below the age of 16. Those definitions were based on the ancient

traditions of the Indonesian community but efforts were being made through the family planning programme to encourage the community to accept 18 or 20 years as a more appropriate age for marriage. In that connection there had been considerable success in urban areas where a high percentage of the population had access to education.

28. The definition of the child in labour law was a person below the age of 14, but the People's Consultative Assembly was to be asked to review that age for the benefit of the child in a new law now being developed. The legal minimum age for criminal responsibility was 16 according to article 45 of the Penal Code, and it was also 16 for legal and medical counselling without parental consent.

29. Turning to the points raised by Mrs. Santos Pais, the Indonesian authorities fully agreed that children were vulnerable and needed protection and that there were differences in the treatment of boys and girls in marriage, but those differences were based on Indonesia's religious and traditional values. In drafting new legislation, the Government's main problem was to overcome those attitudes. Efforts were being made through family planning to educate people to give equal treatment to boys and girls in every aspect of their daily lives.

30. The CHAIRPERSON invited the Committee to ask questions on general principles as contained in articles 2, 3, 6 and 12 of the Convention.

31. Mr. HAMMARBERG said that in view of the importance of the principles of non-discrimination, best interests of the child, the right to life, survival and development and respect for the views of the child, both in themselves and in interpreting the Convention as a whole, there might have been much more analysis in the report than the reference to the Child Welfare Law and the statistics on school attendance given in paragraph 43 of the report of Indonesia (CRC/C/3/Add.10). There had clearly been some misunderstanding in the Indonesian delegation's replies to the questions on non-discrimination, and he took it that the delegation had meant that there was no discrimination in law. However discrimination always existed between different groups of children in practice. In formulating its questions, the Committee had had in mind not only the legal aspects but the actual measures taken by the Indonesian authorities to ensure that those groups of children which tended in every society to be handicapped or discriminated against in some way were given the possibility to enjoy fully the rights which should be given to all children. Experience had shown that most societies treated girls differently from boys not only in matters of school attendance but in other respects as well, and that there also tended to be differences in the treatment of rural and urban children in matters of health and education, for example.

32. Mrs. BELEMBAOGO, referring particularly to the principle of non-discrimination, said that the principle of equality was not always upheld in national legislation. The law of succession, for example, frequently discriminated against children born outside marriage, and she wondered whether Indonesian legislation provided for absolute equality in matters of succession for children irrespective of their affiliation.

33. Miss MASON, referring to paragraph 42 of the report and the statement that special regulation on alcoholic consumption was unnecessary because the majority of the population was Muslim, asked whether there should not be some regulations governing the consumption of alcohol which would apply to non-Muslim children. Turning to paragraph 52 of the report, the mention of skin colour as a component of identity was an indication of some measure of discrimination, while the statement in paragraph 51 of the report, that a child born as a result of illegal marriage had to assume the nationality of his or her mother was a clear indication of discrimination. Some clarification of the expression "illegal marriage" would therefore be useful.

34. Mrs. SANTOS PAIS sought further information on the situation of children born out of wedlock and those born as a result of illegal marriage who had to assume the nationality of his or her mother in spite of the requirements of article 2 of the Convention. Discrimination of that kind might well have an impact on other rights in the Convention, particularly relating to succession, social security and maintenance. That there was some willingness on the part of the Indonesian authorities to reform legislation and change traditional habits was encouraging but it should be borne in mind that the traditional approach would not be overturned unless there were radical changes in the law.

35. Mgr. BAMBAREN GASTELUMENDI, referring to article 3 of the Convention, asked for more information on the Child Decade mentioned in paragraph 47, in particular what its objectives and results had been. With reference to article 6 of the Convention, he noted that paragraph 46 of the report had referred to the high rate of infant mortality, although no figures had been given. Article 6 was also relevant in relation to the proportion of the national budget set aside for health care. The Indonesian delegation had stated that 38 per cent of the budget was set aside for social affairs, but that only 2.7 per cent was allocated to health. That might explain the high mortality rate among children and mothers as medical assistance appeared to be provided in only 32 per cent of births. Given the difficulties of providing medical care in an archipelago, it was probable that most births in rural areas and small islands took place without medical assistance, which would also explain the large percentage of underweight children.

36. Mrs. EUFEMIO, referring to the principle of non-discrimination in connection with freedom of expression and association asked whether there was any differentiation between the sexes in activities such as the scout movement, mentioned in paragraphs 53 and 58.

37. Mr. HAMMARBERG said that the Committee was particularly interested in the way in which the principle of the "best interests of the child" was upheld in situations where there was a clash of interests, involving, for example, parents or the school bearing in mind that one purpose of article 3 was to ensure that the interests of the child were paramount in such cases. Such considerations influenced the way the laws were made and implemented, as well as legal proceedings. It was therefore to be hoped that Governments would spend time discussing the real implications and interpretation of article 3. The Committee would welcome more information on the way in which Indonesia interpreted the provisions of that article.

38. With regard to the right to life, survival and development, the intention of article 6 was to encourage those in authority to ensure that resources were allocated to the maximum extent possible for the survival and development of the child, including health and education. It was an ambitious article and required more than legal provisions. Article 12 of the Convention was linked to other articles, in particular article 3. The articles did not require children to assume responsibilities too early, but did require Governments, when reviewing policies after ratification, to make provision for the views of children to be taken into consideration in decisions affecting their welfare, in schools, courts of law and other areas.

39. Mrs. SANTOS PAIS, fully endorsing the points made by previous speakers, said that the importance of the provision on the best interests of the child for legislative bodies, courts of law and those responsible for the national budget could not be overemphasized.

40. As far as respect for the views of the child were concerned, the report stated in at least two places (paras. 49 and 53), that children did not have the right or the opportunity to express themselves to parents or in an open forum. The Committee wished to encourage a change in that attitude, in view of the value placed on the capacity of the child in the Convention.

41. Miss MASON, referring to paragraphs 44 and 48 of the report, requested information on rural programmes.

42. Mr. YAHYA (Indonesia) said that since the entry into force of the Convention in 1990, the implementation of its provisions had been considered by his Government as a factor to be taken into account within the overall process of national social development. Indeed, his Government's willingness to participate in the dialogue with the Committee stemmed from its conviction that it had a political and moral obligation to work for the improvement of child welfare. Some discrepancies inevitably occurred between prior national legislation relating to the right of the child and the Convention; efforts were consequently being made to ensure that both legislative and behavioural progress was made in relation to the rights of the child.

43. In response to comments concerning differentiation between the sexes, it was not the intention of the Indonesian Government to draw new distinctions in that area but rather to take account of the fact that traditional and religious distinctions still survived in the community; efforts were being made to ensure a positive evolution in that respect as in legislative provisions such as the National Education System Law, which ensured that children, and girls in particular, had nine years of compulsory education. Further measures, in the form of a Presidential Instruction, were aimed at eliminating distinctions in rural and urban areas as well as in social and economic sectors.

44. He fully agreed with Mr. Hammarberg that the best interests of the child must be paramount, albeit without considering them as an isolated priority. Rather they should be seen within the framework of the development of basic social services and conditions which promoted those interests. In that context, his Government had adopted a threefold policy aimed at stability, sustainable growth and equality.

45. Also in response to comments made by Mr. Hammarberg, he said that the Government was very aware of the high infant mortality rate as compared with other countries in the region. It was hoped that the increase in per capita income which had taken place in the country over the past 25 years would have a positive effect in that area, especially when considered in conjunction with the efforts to realize the official target of decreasing the 1980 infant mortality rate by half by the year 2000. In the field of health care generally, a special programme was being implemented to develop a medical care network, inter alia, by increasing the number of medical centres throughout the country and appointing doctors and midwives to rural areas, with the aim of making basic health care facilities available in every village within a period of five years. Similarly, efforts were being made to extend basic educational facilities in remote areas and particularly to the eastern part of the country.

46. On the question of alcohol consumption, generally speaking because the majority of the population was Muslim, and given the country's climatic conditions, alcohol was not widely consumed in the community, although the image of alcohol as representative of a modern-day lifestyle was beginning to take hold among the population. Steps were under way to ensure that appropriate legislative measures were introduced.

47. Concerning the question raised by Mrs. Santos Pais on the difference in the marriageable age of the two sexes, while there was indeed a legal differentiation, in practice there was little difference in urban areas between the age at which members of either sex married. The question was a sensitive one in Indonesia, however, in view of the traditional concept and the importance of the family and marriage which still prevailed widely and which had to be taken into consideration in the drafting of effective legislation.

48. On the question of the participation of children, while ideas of family behaviour tended to remain traditional among that sector of the population born prior to the country's independence, attitudes were changing among the younger members of society and it was expected that there would be a continued trend towards a new openness and participation in family matters. The year 1986 had marked the beginning of a Child Decade, with emphasis on children's access to activities and their appropriate participation in decision-making.

49. Concerning Mrs. Eufemio's question on differentiation between the sexes in relation to activities such as the scout movement, emphasis was being placed on the promotion of participation by children in decision-making processes in educational and learning activities.

50. In conclusion, he expressed his delegation's willingness to participate in the process of exchange of information and experience for the purpose of ensuring and promoting the implementation of the rights of the child.

51. The CHAIRMAN pointed to the interesting fact that while the majority of the population was Muslim, the Constitution did not proclaim Islam as the official religion but rather stated a belief in the One and Only God.

Consequently, national legislation was not confined to the Shariah, and legislative amendments and reforms were promoted in accordance with the situation and characteristics of Indonesia.

52. Mr. YAHYA (Indonesia) said that while his country accepted religious, ethnic and other differences, it aspired to unity in diversity. In that respect his Government was willing to cooperate with members of the Committee and other States parties in order to benefit from their experience in reviewing and reforming legislation.

53. Miss MASON said, in the light of the Chairman's observation, that it was difficult to reconcile the replies of the Indonesian delegation with the reservation made by Indonesia in relation to article 14 of the Convention.

54. Mr. YAHYA (Indonesia) replied that his Government might be in a position to review that reservation in the future.

55. Mrs. SANTOS PAIS observed that the Convention could be seen as inviting States to adopt two broad strategies: the first was to take immediate steps to ensure conformity with the Convention at the national level, and the second was to ensure the progressive realization of the Convention in terms of economic, social and cultural rights.

56. Mr. YAHYA (Indonesia) said that national legislation introduced following the entry into force of the Convention made reference to the relevant articles of that instrument. The legislation in question included the laws on health, population and the development of family welfare. At the same time, efforts were being made to ensure that the provisions of the Convention were implemented in Indonesian society, inter alia, by dissemination of information on its provisions to all families through the family welfare movement, bearing in mind that implementation depended to a large extent on the willingness of families and parents to respect the rights of the child.

57. Mr. HAMMARBERG noted, in connection with question 2 under the section on civil rights and freedoms that efforts were being made to ensure that appropriate literature was available for children, despite lack of resources.

58. The Indonesian delegation had said that there were no problems on question 3. In preparing for its discussions with States parties, the Committee received information from other sources including United Nations special rapporteurs. The Commission on Human Rights Special Rapporteur on questions relating to religious intolerance had raised an issue in his most recent report (E/CN.4/1993/62) which related both to Indonesia and to children. The report referred to the Baha'i faith, noted that there had been problems for its followers in Indonesia and referred to reports that pressure had been placed on members of the Baha'i faith to renounce their religion and that Baha'i children had reportedly been expelled from school and had their books seized. He requested confirmation that if such acts had occurred, they would be against the Government's policy and its approach to the application of the Convention.

59. Referring to question 4 relating to cases of ill-treatment of children, he said that the documents from non-governmental organizations available to

the Committee had contained references to such cases, and specifically that of a 16-year-old boy Sofyan Lubis who had died in prison. He asked what the official response was to such reports, what steps were taken to ensure that law enforcement personnel in charge of young people in custody were trained to deal with them and respect their rights, and what procedures existed to prevent or investigate any errors or infringements of those rights on the part of such personnel.

60. With regard to question 5, he was pleased to learn that corporal punishment was not administered in schools or other institutions where children were cared for, but asked whether such punishment was explicitly prohibited by law. As to complaint procedures, the reason for that question was that even well-intentioned people in a position of responsibility sometimes overstepped their limits, and it would therefore be interesting to know whether there was a possibility for children or their parents to refer such problems to a higher authority, in the spirit of article 12 of the Convention.

61. Mr. MOMBESHORA, referring to paragraph 61 of the report, said that the impression had been created that in cases where in the family and society injuries still occurred to children, the judicial system took a back seat to society, which regarded such incidents as guiltless. He asked for clarification.

62. Miss MASON, referring to paragraph 54 of Indonesia's report, inquired whether the Attorney General had in fact introduced a ban with appropriate fines and sentences for violations concerning the publication of pornography, and whether his efforts had been successful.

63. She noted from paragraphs 57 and 58 of the report, that freedom of association was guaranteed not by the Constitution, but by statutes, and she asked whether more information could be provided about those statutes and whether there were any limitations placed on that freedom.

64. Mrs. EUFEMIO sought further clarification on the registration of births (question 1 in the section on civil rights and freedoms). She wondered what happened to children in rural areas if the birth was not registered and what obstacles to registration existed.

65. Mrs. SANTOS PAIS, recalling that the Indonesian delegation had stated that there were no plans to make the registration of births mandatory in rural areas, encouraged Indonesia to do so, because registration might well affect a child's rights. If a birth was not registered, the child theoretically did not exist and had no right to social security, family relations or schooling. That could have an adverse impact on a child's entire future.

66. She was encouraged to hear that the Indonesian delegation had agreed that more literature should be made available to children. Yet that was the very purpose of article 17 of the Convention, upon which Indonesia had expressed a reservation.

67. Paragraph 56 of the report indicated that freedom of religion applied to the recognized religions, and she noted that some religions were not

recognized, including the Baha'i faith. She wondered about the status of a child belonging to a religion not recognized by the State, particularly with regard to its right to worship or to go to school.

68. As to question 5 under the section entitled "Civil rights and freedoms" on ill-treatment and corporal punishment, she was pleased to learn that the Penal Code punished the beating of children, but like Mr. Hammarberg she was concerned about the reference in paragraph 61 of the Indonesian report to the fact that "some injuries to children still occurred and are left unpunished, because the society regards the incident as guiltless". She would like to remind the Indonesian delegation that the right in question was non-derogable.

69. Mr. YAHYA (Indonesia), addressing first a question raised by Mr. Hammarberg in connection with the report of the Special Rapporteur on questions relating to religious intolerance of the Commission on Human Rights (E/CN.4/1993/62), said that to his knowledge, the Special Rapporteur had never visited Indonesia and the allegations in the report were based mainly on second-hand sources, perhaps stemming from non-governmental organizations.

70. Freedom of religion was a right guaranteed under the Constitution. Indonesia officially recognized five religions, and a tolerant attitude was taken towards the others: as long as those religions were not violating established norms, there was no problem whatsoever. With regard to the Baha'is, he said that there was no official report on that religious sect.

71. On the question of juvenile crime, he pointed out that Indonesia had no juvenile criminal code, and all criminal acts involving juveniles fell within the scope of the Penal Code.

72. Turning to the question of the registration of births, given Indonesia's many islands and scattered population, certain difficulties arose in remote areas, and it sometimes happened that births were not recorded. But children whose births were not recorded benefited from the same services as children with birth certificates: for example, they could enrol in school and receive health care just like anyone else.

73. In closing, he said that by pursuing a non-selective and balanced approach, the Committee would obtain a much clearer idea of the situation in Indonesia.

74. Mr. MARTOMARDOYO (Indonesia) said that it was important for every nation to ban publications harmful to society. That applied in particular to pornography. But that did not constitute a limitation on the dissemination of information. The Indonesian educational system was working to extend its publications for children.

75. A ban on communist publications continued to be in force.

76. Concerning freedom of association, the Constitution contained no restrictions on that right.

77. Family attitudes still posed an obstacle to the implementation of the rights of the child. It was therefore a matter of high priority to educate

the family and the community about those rights. Indonesia was striving to step up the dissemination of information on the rights of the child, including on the Convention. Efforts to that end were also being undertaken by various community associations and family welfare groups.

78. Mr. KOLOSOV said that the explanations given by the Indonesian delegation on the registration of births led him to believe that statistics regarding the rate of infant mortality, school drop-outs and the like might not be accurate because of shortcomings in the system.

79. Mr. MARTOMARDOYO (Indonesia) agreed that the birth registration data could not serve as accurate statistics on births. Currently, an indirect approach was being introduced that used annual demographic surveys for estimating birth and death rates. As to the school enrolment rate, regular reports were drafted by the Department of Education.

80. The CHAIRPERSON invited the delegation of Indonesia to reply to the questions asked on the section on family environment and alternative care which read:

"Family environment and alternative care

(Arts. 5, 18, paras. 1-2, 9, 10, 27, para. 4, 20, 21, 11, 19 and 39, 25)

1. Is parental education provided for and are family counselling services available?

2. What procedures exist to regulate the care of children of divorced parents? What procedures exist to ensure that the child is not deprived of his/her maintenance?

3. What specific measures are being taken to ensure the right of the child to be in contact with both father and mother in cases of separated parents?

4. How many cases of child abuse within the family have been reported? What legislative measures have been adopted to protect the child from such abuse and maltreatment as laid down in article 19 of the Convention? Is research undertaken into the problem of ill-treatment and sexual abuse of children, including into social factors which influence such violations? What procedures exist for intervention by the authorities in cases where a child needs protection from serious abuse within the family? Can children lodge complaints against abuse or neglect?

5. Have programmes been adopted to prevent and reduce the abandonment of children and, if so, are such programmes adequate?

6. Please indicate the institutions which exist to provide alternative care for children, the number of children in such care and the procedures for monitoring the condition?

7. Are there any training programmes for social workers in the field of children's rights?

8. Please indicate any measures envisaged to prevent and punish corruption and trafficking in the case of inter-country adoption and to monitor and supervise adoption agencies.

9. What is the governmental policy and the general attitude in society regarding the care of disabled children?"

81. Mr. YAHYA (Indonesia), turning first to question 1, said that a number of services existed for providing parental education. For example, the family welfare system offered education to families, particularly women, and counselling on family planning. The Department of Religion gave counselling to married couples. The Department of Social Affairs provided services for the disabled.

82. On question 2, he said that in cases of divorce, the parents, and especially the fathers, were responsible for the care of their children. The family of the father or of the mother was also sometimes asked to assume that responsibility. As to question 3, there was no specific legislation to ensure the right of the child to be in contact with both father and mother in cases of separated parents, but every child of divorced parents had the opportunity to maintain such contacts.

83. Turning to question 4, several cases of child abuse had been noted in Indonesia, and national seminars had been held recently to heighten family awareness for that problem. Legislation was being planned that would place greater emphasis on the rights of the child in that area.

84. Turning to the question on the abandonment of children (question 5) Indonesia was working to reduce the problem of street children, which continued to be very serious, and it had sought to benefit from the experience of other countries facing similar problems. A number of NGOs had made useful contributions in that area.

85. In reply to question 6, he said that in addition to the Ministry of Social Affairs, a number of traditional and religious institutions also provided care to disabled children; it was planned to extend such activities. Budgetary allocations for health care in general would be increased in order to meet Indonesia's goal of reducing infant mortality by half by the year 2000.

The meeting rose at 6.20 p.m.